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## BAR COUNCIL OF HIMACHAL PRADESH

High Court Complex,  
Raveneswood,  
Shimla-171 001

Ref.No. B.C.H.P.No. 2526-2542

-1-

Dated 27-12-18

MINUTES OF THE MEETING OF BAR COUNCIL OF HIMACHAL PRADESH  
HELD ON 16.12.2018 AT 11.00 AM IN THE OFFICE OF BAR COUNCIL OF  
HIMACHAL PRADESH AT SHIMLA

### Present

1. Shri Ramakant Sharma	Chairman
2. Shri Narender Singh Thakur	Vice Chairman
3. Shri Desh Raj Sharma	Member (BCI)
4. Shri Ajay Kumar Sharma	Member
5. Shri Arvind Dhiman,	Member
6. Shri I.N Mehta	Member
7. Shri Vipin Pandit	Member
8. Shri Ashok Sharma	Ld. Advocate General
9. Smt. Smita Thakur	Secretary

The Bar Council has received a mail on 13.12.2018 from Sh. Raminder Kumar Gautam, Ld. Member Bar Council that he is not in a position to attend the meeting being out of Country. As per direction the email is placed on record.

#### 1. Confirmation of the minutes of the meeting held on 19.08.2018.

Minutes of the meeting dated 19.08.2018 were read out by the Secretary. The minutes of the meeting held on 19.08.2018 are hereby confirmed.

#### Service Matter/ Codal Formalities:-

#### 2. To consider the complaint case No. CC-18/2018 of Shri Prem Singh against Shri Kunal Sharma and Ms. Vidushi Sharma, Advocates, Bar Association H.P. High Court.

Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

**3. To consider the complaint case No. CC-19/2018 of Shri Narender Kumar against Shri Pritam Singh Chandel, Advocate, Bar Association H.P. High Court.**

Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

**4. To consider the complaint case No. CC-20/2018 of Shri Jagat Pal and Ms. Parul, Advocates against Shri Jagmohan Chandel, Advocate, Bar Association Distt. Court Chakkar, Shimla.**

Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

**5. To consider the complaint case No. CC-33/2018 of Shri Jagmohan Singh Chandel, Advocate against Ms. Parul and Shri Jagat Paul Advocates, Bar Association Distt. Court Chakkar, Shimla.**

Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

**6. To consider the complaint case No. CC-23/2018 of Shri Sadanand Sharma against Shri Kunal Sharma Advocate, Bar Association H.P. High Court.**

Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

**7. To consider the complaint case No. CC-238/2018 of Shri Karam Chand, Ex-Army against Shri Pawan Chaudhary Advocate, Bar Association Palampur.**

Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

**8. To consider the complaint case No. CC-10/2017 of Shri Ramesh Dogra against Shri Rajesh Malhotra, Advocate, Bar Association H. P. High Court.**

Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

**9. To consider the complaint case No. CC-14/2017 of Dr. Usha Sharma against Shri Uday Negi, Advocate, Bar Association Distt. Court Kullu.**

Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

**10. To consider the complaint case No. CC-35/2018 of Shri Thakur Sen Rana against Shri Kuldeep Guleria, Advocate, Bar Association Distt. Court Chakkar, Shimla.**

Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

**11. To consider the complaint case No. CC-36/2018 of Shri Jai Ram & others against Shri T. S. Rana, Advocate, Bar Association Distt. Court Chakkar, Shimla.**

Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

**12. To consider the complaint case No. CC-31/2018 of Shri Bhagmal Guleria against Shri Suresh Kumar Dhiman, Advocate, Bar Association Kangra.**

Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

**13. To consider the complaint case No. CC-9/2018 of Ms. Meenakshi Sharma against Shri Pradeep Dogra, Advocate Bar Association Dharamshala, Distt. Kangra.**

Matter is discussed in the House and it is unanimously resolved to grant another opportunity to file rejoinder to the reply filed by learned Advocate, therefore, the complainant be asked to file rejoinder by way of last opportunity within a period of three weeks from the date of Receipt of communication from the Bar Council.

**14. To consider the complaint case No. CC-3/2018 of Smt. Kamla Devi against S/Shri T.S. Shah and Harpreet Sing Shah, Advocates, Bar Association Paonta Sahib.**

The General House has perused the Complaint as well as reply filed by the Advocates. The General House is of the opinion that this matter is required to be referred to the Disciplinary Committee. Therefore, the matter was referred to the Disciplinary Committee No.1 headed by Sh. I.N. Mehta (Chairman), Sh. Ajay Sharma (Member), Sh. Vikas Rathore (Co-opted) Member (High Court)

**15. To consider the complaint case No. CC-14/2018 of Shri Manohar Lal Sharma against Shri Vikas Sanoria, Advocate, Bar Association Distt. Court Chakkar, Shimla.**

Matter is discussed in the House and it is unanimously resolved to grant another opportunity as file rejoinder to the reply filed by learned Advocate, therefore, the complainant be asked to file rejoinder by way of last opportunity within a period of three weeks from the date of Receipt of communication from the Bar Council.

**16. To consider the complaint case No. CC-6/2017 of Shri Kanshi Ram against S/Shri M.M. Rawat, Aman Deep Negi and Trilok Singh Advocates, Bar Association Rohru.**

Matter is discussed in the House and it was unanimously resolved to grant another opportunity as a last opportunity to the respondents/Advocates within a period of three weeks from the date of Receipt of communication from the Bar Council.

**17. To consider the complaint case No. CC-1/2018 of Shri Rajeev Kumar against Shri Amar Deep Singh, Advocate, Bar Association H.P. High Court, HIM/59/2008.**

Matter is discussed in House and it is unanimously resolved to grant another opportunity as a last opportunity to the respondents/Advocates within a period of three weeks from the date of Receipt of communication from the Bar Council.

**18. To consider the complaint case No. CC-33/2016 of Smt. Hemlata against Shri Trilok Chauhan, Advocate, Bar Association Rohru.**

This Order will disposed off Complaint Case no.33/2016 filed by Smt. Hemlata against Sh. Trilok Chauhan Advocate Bar Association Rohru. According to the allegations of the Complainant the Respondent Advocate had put in appearance on behalf of the Complainant before the Ld. Additional Distt. and Session Judge Rohru without her knowledge and has prayed for strict action against the said Advocate. The Respondent Advocate has filed the Reply wherein it is stated that the Complaint had been filed due to some misunderstanding of the fact that Sh. Aman Deep Negi who is her counsel in her case in Rohru as in fact practicing with the Respondent Advocate at Rohru in the same Chamber and the cases are usually used to be attended by each other. It is further mentioned by the Respondent Advocate that in fact on the date of hearing of the case she telephonically conveyed to her counsel Sh. Aman Deep Negi regarding the hearing of her case on that date. It is further mentioned that the respondent Advocate had attended the hearing at the askance of Sh. Aman Deep Negi. The Reply is supported by an affidavit of complainant, where under she has admitted the contents of Reply filed by the Respondent Advocate. Keeping in view aforesaid facts it is clear that no case of Professional Misconduct or any other Misconduct is made out so as to attract the provisions of section 35 Advocates Act 1961. Therefore, present complaint being devoid of any merit is dismissed and the proceedings are hereby dropped.

**Rejoinder**

**19. To consider the complaint case No. CC-27/2016 of Shri Karam Chand against Shri Naresh Kaul, Advocate, Bar Association High Court.**

The General House after perusing the Complaint, Reply filed by the Respondent Advocate as well as Rejoinder filed by the Complainant is of the opinion that the matter is required to be referred to the Disciplinary Committee .The matter is referred to the Disciplinary Committee No.8 headed by Sh. Vipin Pandit (Chairman),Sh. Madan Lal Verma (Member),Sh. Sanjay Thakur (Co-opted) Member Kullu.

**20. To consider the complaint case No. CC-1/2017 of Shri Kanchan Rana against S/Shri Pran Nath Sachdeva and Ashish Sachdeva, Advocates, Bar Association Distt. Court Una.**

The General House has perused the file and the complainant has not filed Rejoinder. The General House has unanimously resolved to grant another opportunity as last and final opportunity to file Rejoinder within three weeks. Therefore, the Complainant is asked to file the Rejoinder within three weeks .

**21. To consider the complaint case No. CC-4/2018 of Smt. Krishna Devi, Advocate against Shri Subhash Chand, Advocate, Bar Association D/Shala.**

That the General house has considered the application of the complainant whereby the Complainant has prayed for withdrawal of the complaint on the ground that she had filed the complaint against Subhash Thakur Advocate due to some misunderstanding and it is also mentioned that now there is no dispute with the Respondent Advocate. This application is supported by an affidavit dated 16 Nov 2018 which is duly attested by Notary public D/Shala. The House has perused the complaint and is of the opinion that complainant can be permitted to withdraw the Complaint subject to complained the depositing Rs. 2000/- as withdrawal fee as per Bar Council of India Rules.

**22. To consider the complaint case No. CC-5/2017 of Shri Satish Chander against Shri Ajay Dhiman, Advocate, Bar Association H.P. High Court.**

As per the decision of the General House Meeting held on 19.08.2018 the matter was referred to the Disciplinary Committee No.6 headed by Sh. Naresh Thakur as Chairman and Sh. Ajay Kochhar as Member, and Sh. Anurag Sharma (Co-opted) Member (Bilaspur). Since the Chairman of the said Committee Sh. Naresh Thakur has shown his inability to proceed in the matter due to his personal reasons. Therefore the House is of the opinion that matter is required to be referred to Another Disciplinary Committee. Therefore, it is unanimously resolved that present complaint be referred to Disciplinary Committee No. 9 headed by Sh. Ajay Sharma as Chairman, Sh. Narender Singh Thakur as Member, and Sh. Manoj Kumar (Co-opted) Member (Bilaspur) and the Committee is requested to decide the matter as expeditiously as possible preferably within the time stipulated under the Bar Council of India rules.

**23. To consider the complaint case No. CC-2/2016 of Shri Joginder Singh Thakur against Shri Ajay Dhiman, Advocate, Bar Association H.P. High Court.**

The matter was entrusted to Disciplinary Committee No.9 which has decided the complaint on 08.10.2018 .Noted and the case file be consigned to the record room.

- 24. To consider the Communication Dated 11-09-2018 vide Diary No. 705 accompanying the Complaint received from the office of Sh. Arvind Malhotra, Registrar Vigilance, Himachal Pradesh High Court, Shimla addressed to the Chairman, Bar Council of Himachal Pradesh. The complaint is filed by Sh. Jitender Thakur Advocate Distt. Court Complex Shimla HIM/184/11 against Sh. Ajay Kochhar Advocate Distt. Court Chakkar Shimla.**

The Order will dispose off the matter which was brought to the notice of the Chairman in a confidential letter which was accompanied by complaint filed by Sh. Jitender Thakur Advocate Distt. Court Chakkar against S/sh. Ajay Kochhar and Sh. Satyen Vaidya Advocates which was addressed to the Chairman State Bar Council Registrar Vigilance of the High Court of Himachal Pradesh for appropriate action in accordance with Law. The General House has perused the complaint dated 10.09.2018 addressed to the Chairman Bar Council of Himachal Pradesh by Registrar Vigilance of the High Court of Himachal Pradesh 171001. while the matter was taken up, It was brought to the notice of the General House that the similar complaint has been decided by the Special Committee headed by Sh. Ashok Sharma Ld. Advocate General and then the Chairman of State Bar Council whereby the complaint was withdrawn by the Complainant and a detailed order dated 01.08.2018 has been passed by Special Committee. While going through the record it has transpired that Sh. Jitender Thakur Advocate had addressed the complaint to various authorities including H.P. High Court. It is pertinent to point out that the Complainant Sh. Jitender Thakur Advocate vide his communication dated 14.12.2018 has written to the Registrar Vigilance High Court of H.P. Shimla, copies of which have been given to the Chairman Bar Council of Himachal Pradesh as well as Secretary Bar Council of Himachal Pradesh. This communication is received by the office on 14.12.2018. The Complainant Advocate has prayed for no action to be taken in the matter in view of Order dated 01.08.2018 passed by the Special Committee dismissing the complaint as withdrawn. Therefore, It is unanimously resolved not to proceed in the matter Ld. Registrar Vigilance High Court Shimla be inform accordingly with reference to his communication dated 06.10.2018. The matter is closed and office is directed to place a copy of Order dated 01.08.2018 including the statement of parties in this file.

**The following Agenda Items were taken up together for discussion.**

- 25. Status/stage of Law Bhawan.**
- 26. To consider the matter regarding amendment in the relevant provisions of Himachal Pradesh Advocates Welfare fund Act, 1996, increasing the amount of welfare stamps from Rs.10 to Rs.50 as well as amendment to the schedule, thereby, making provisions for grant of benefits under the provisions of the Act minimum to the extent of Rs.2,00000/- two lakh in case of death, 100% disability serious ailments like cancer, kidney failure, heart transplant etc.**
- 29. To consider the matter regarding Reservation of Accommodation for the lawyers in Government Rest Houses, Circuit House as well as Guest Houses of Himachal Bhawan/Sadan at Chandigarh, Delhi and Mumbai and Hon'ble High Court of Himachal Pradesh.**

30. **To consider the matter regarding matching grant by State of Himachal Pradesh to the Himachal Pradesh Advocate Welfare fund on the lines of other States including Andhra Pradesh Govt. every year.**
32. **To consider the matter regarding request for enacting an Act by the State of Himachal Pradesh as an Advocates Protection Act.**
33. **To consider the matter regarding opening of Advocates Academy in the State of Himachal Pradesh.**
39. **To consider the matter regarding implementation of Scheme as resolved vide item No. 26 in the meeting of Bar Council of Himachal Pradesh held on 2<sup>nd</sup> March 2008. (To consider the scheme called as stipend scheme for junior lawyers as proposed /requested by the Bar Council of Himachal Pradesh.)**

During the course of discussion, It was unanimously resolved to request the Chairman of the Committee Sh. Ashok Sharma Ld. Advocate General, Himachal Pradesh to make a request to Hon'ble Chief Minister for sparing some time so that all these agenda Items can be discussed with the Hon'ble Chief Minister. It was further unanimously resolved the Hon'ble Chief Minister and Hon'ble Law Minister may be requested to consider all the aforesaid demands of the Bar Council of Himachal Pradesh which are pending since long. The Ld. Advocate General on telephone got an appointment with the Hon'ble Chief Minister at 04.00 PM, when all the Members present in the General House called upon the Hon'ble Chief Minister with whom some of the agenda items were discussed and Hon'ble Chief Minister was kind enough to hear all the Members patiently and agreed in principal for construction of Law Bhawan. The Hon'ble Members also requested the Hon'ble Chief Minister to given a convenient date so as to host a dinner and discuss all the other agenda items.

The House has unanimously resolved and requested the Ld. Advocate General to get in touch with Hon'ble Chief Minister and Hon'ble Law Minister to get some convenient date for the purpose of hosting dinner by the Bar Council of Himachal Pradesh.

It was further resolved that the committee headed by Hon'ble Advocate General may submit a detailed report within a period of 4 weeks thereafter.

27. **To consider the matter regarding increasing the Insurance Cover under the Accident Group Insurance Scheme from Rs.10 lakh to Rs.20 lakh.**
28. **To consider the matter regarding Health Insurance Scheme/ Mediclaim Insurance (Group) Scheme and personal accident/ on the lines of one introduced by the Bar Council of Maharashtra and Goa.**

It is unanimously resolved that Sh. I.N Mehta Chairman and Sh. Ajay Kumar Sharma Ld. Member may be again requested to expedite the matter and do the needful and submit a report within 3 weeks.



**31. To consider the matter regarding inspection of Law Colleges in the State.**

It is unanimously resolved by the General House in its Meeting held on 16.12.2018 that Hon'ble Member Sh. Desh Raj Sharma Member Bar Council of India to pursue the matter in this regard and expedite the same and do the needful.

**34. To consider expenses for renovation/furnishing of office of the Bar Council and to provide better infrastructure.**

The House was made aware by the Chairman Sh. I.N. Mehta that Sh. Arun Bhanwra architect has carried out the measurements and he has made detailed drawings which are required to be scrutinized by the Committee thereafter the needful will be done. The General House has unanimously requested the Chairman Sh. I.N. Mehta the Ld. Members Sh. Ajay Sharma to expedite the report which be submitted preferably within 3 weeks, keeping in view that Office record is lying scattered the same is being damaged day by day.

**35. To consider the matter regarding the progress of Computerization of Bar Council records as well as website of Bar Council of Himachal Pradesh.**

It is unanimously resolved that Sh. I.N Mehta Chairman and Sh. Ajay Kumar Sharma Ld. Member may be again requested to expedite the matter and do the needful and submit a report within 3 weeks.

**36. To consider the matter regarding obtaining grant from Bar Council of India U/Sec.46 A of the Advocates Act, 1961.**

It is unanimously resolved to request the Member, Bar Council of India Sh. Desh Raj Sharma to pursue the matter with the Bar Council of India and get maximum of the grant under Section 46A of the Advocates Act 1961.

**37. To consider the matter regarding construction of Lawyers Chamber in District and Sub Divisional Courts and provision for appropriate space/accommodation to the litigants.**

As per the decision of the House in its General House Meeting held on 19-08-2018, Sh. Ajay Kumar Sharma has apprised the House that letters has been sent to all the Bar Associations, but office has received no response from any Bar Association. It is unanimously resolved that a reminder be sent to all the Bar Associations and Committee be again requested to expedite the proceedings and do the needful.

**38. To consider the matter regarding making a request to High Court for providing further accommodation.**

That the House has unanimously resolved to request to learned Advocate General, Shri Ashok Sharma, to make a request to Hon'ble Chief Justice for perusing further accommodation.

**40. To consider the enhancement of Monthly Salaries of the Staff of Bar Council of Himachal Pradesh.**

It was unanimously decided that keeping in view Resolution No. 22 passed in the General House Meeting held on 19.10.2014 that till the framing of the State Bar Council Rules in favour of the employees 10% hike be given to the existing pay of every employee of the Bar Council of Himachal Pradesh w.e.f. 01-12-2018.

Sr. No.	Name of Employee	Designation	Present Salary	10 % Increment	After 10 % Increment
1.	Mrs. Smita Thakur	Secretary	Rs. 24,860/-	Rs. 2,486/-	Rs. 27,346/-
2.	Mrs. Krishna Thakur	Clerk	Rs. 21,230/-	Rs. 2,123/-	Rs. 23,353/-
3.	Mrs. Priyanka Chauhan	Accountant	Rs. 14,630	Rs. 1,463/-	Rs. 16,093/-
4.	Mrs. Rupa Dhirta	Computer Operator	Rs. 11,330/-	Rs. 1,133/-	Rs. 12,463/-
5.	Sh. Dev Raj Sharma	Peon	Rs. 17,600/-	Rs. 1,760/-	Rs. 19,360/-
6.	Mrs. Sona Devi	P/T ( Sweeper)	Rs. 2,790/-	Rs. 279/-	Rs. 3,069/-
					101684/-

**Any other Item:-**

It is pointed out by the Ld.Chairman, Enrolment Committee Sh. I.N. Mehta as well as by Sh. Ajay Kumar Sharma, Ld. Member Enrolment Committee that since the constitution of Enrolment Committee on 19-08 2018, Sh. Amit Vaid, Ld. Member, Enrolment Committee has not attended even a single meeting. Though the Ld. Member was informed every date of the meeting . A total 12 number of meetings of Enrolment Committee have been held/ conducted by the Enrolment Committee consisting of S/Sh. I.N. Mehta and Ajay Kumar Sharma Ld. Member.



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-11-

Ref.No.....

Dated.....

The House after consideration of the matter and being in view the reluctance shown by Sh. Amit Vaid, Ld. Member. It is unanimously decided that the Enrolment Committee be reconstituted which is as under:-

Sh. I.N. Mehta (Chairman)

Sh. Vipin Pandit (Member)

Sh. Ajay Kumar Sharma (Member)

### Supplementary Minutes

**1. To Consider the Complaint case No. CC-30/2018 of Ms. Shivani Pathania against Shri. Vikrant, Advocate, Bar Association Hamirpur.**

Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

**2. To Consider the Complaint case No. CC-17/2018 of Sh. Arunesh Thakur against Sh. Shyam Lal, Advocate, Bar Association Distt. Court Bilaspur.**


Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

**3. To Consider the Complaint case No. CC..../2018 of Sh. Anish Mohammad against S/Sh. Rajesh Kumar and Rakesh Kumar, Advocates, Bar Association Distt. Court Bilaspur.**

Complaint is perused by the General House and it is of the opinion that the reply be called for from the Respondent-Advocate. Therefore, it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of complaint and asked to file reply within three weeks.

The meeting ended with a "Vote of Thanks to the Chair"

Yours faithfully,

  
(Smita Thakur),  
Secretary.

Copy to:-

The Chairman and all the Members of Bar Council of H.P. for favour of information and necessary action please.

1. Ld. Advocate General, Govt. of H.P. Shimla for information please.
2. The Secretary, Bar Council of India, New Delhi -2

  
(Smita Thakur),  
Secretary.